

# House Study Bill 165

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
ADMINISTRATIVE SERVICES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the authority and duties of the department of  
2 administrative services, including information technology  
3 services, cooperative procurement agreements, distribution of  
4 state employee salary information, state vehicle assignment,  
5 publication fees for official notices, and cost reimbursement  
6 for project management services, and providing an effective  
7 date and retroactive applicability provision.  
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
9 TLSB 1288DP 81  
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1 1 Section 1. Section 8A.104, subsection 12, Code 2005, is  
1 2 amended to read as follows:  
1 3 12. Serve as the chief information officer for the state.  
1 4 However, the director may designate a person in the department  
1 5 to serve in this capacity at the discretion of the director.  
1 6 Sec. 2. Section 8A.202, subsection 2, paragraph k, Code  
1 7 2005, is amended to read as follows:  
1 8 k. Charging reasonable fees, costs, expenses, charges, or  
1 9 other amounts to an agency, governmental entity, public  
1 10 official, or person or entity to or for whom information  
1 11 technology or other services have been provided by or on  
1 12 behalf of, or otherwise made available through, the  
1 13 department; related to the provision, sale, use, or  
1 14 utilization of, or cost sharing with respect to, information  
1 15 technology and any intellectual property interests related  
1 16 thereto; research and development; proprietary hardware,  
1 17 software, and applications; and information technology  
1 18 architecture and design. The department may enter into  
1 19 nondisclosure agreements and take any other legal action  
1 20 reasonably necessary to secure a right to an interest in  
1 21 information technology development by or on behalf of the  
1 22 state of Iowa and to protect the state of Iowa's proprietary  
1 23 information technology and intellectual property interests.  
1 24 The provisions of chapter 23A relating to noncompetition by  
1 25 state agencies and political subdivisions with private  
1 26 enterprise shall not apply to department activities authorized  
1 27 under this paragraph.  
1 28 Sec. 3. Section 8A.202, subsection 2, paragraph 1, Code  
1 29 2005, is amended by striking the paragraph.  
1 30 Sec. 4. Section 8A.311, Code 2005, is amended by adding  
1 31 the following new subsection:  
1 32 NEW SUBSECTION. 3A. The director may enter into a  
1 33 cooperative procurement agreement with another governmental  
1 34 entity relating to the procurement of goods or services,  
1 35 whether the goods or services are for the use of the  
2 1 department or other governmental entities. The cooperative  
2 2 procurement agreement shall clearly specify the purpose of the  
2 3 agreement and the method by which that purpose will be  
2 4 accomplished. Any power exercised under the agreement shall  
2 5 not exceed the power granted to any party to the agreement.  
2 6 Sec. 5. Section 8A.341, subsection 2, Code 2005, is  
2 7 amended to read as follows:  
2 8 2. If money is appropriated for this purpose, by November  
2 9 1 of each year supply a report which contains the name,  
2 10 gender, county, or city of residence when possible, official  
2 11 title, salary received during the previous fiscal year, base  
2 12 salary as computed on July 1 of the current fiscal year, and  
2 13 traveling and subsistence expense of the personnel of each of  
2 14 the departments, boards, and commissions of the state

2 15 government except personnel who receive an annual salary of  
2 16 less than one thousand dollars. The number of the personnel  
2 17 and the total amount received by them shall be shown for each  
2 18 department in the report. All employees who have drawn  
2 19 salaries, fees, or expense allowances from more than one  
2 20 department or subdivision shall be listed separately under the  
2 21 proper departmental heading. On the request of the director,  
2 22 the head of each department, board, or commission shall  
2 23 furnish the data covering that agency. The report shall be  
2 24 distributed upon request without charge in an electronic  
2 25 medium to each caucus of the general assembly, the legislative  
2 26 services agency, the chief clerk of the house of  
2 27 representatives, and the secretary of the senate. Copies of  
2 28 the report shall be made available to other persons in ~~both~~  
2 29 ~~print or an~~ electronic medium upon payment of a fee, which  
2 30 shall not exceed the cost of providing the copy of the report.  
2 31 Sections 22.2 through 22.6 apply to the report. All funds  
2 32 from the sale of the report shall be deposited in the printing  
2 33 revolving fund established in section 8A.345. ~~Requests for~~  
2 34 ~~print publications shall be handled only upon receipt of~~  
2 35 ~~postage by the director.~~

3 1 Sec. 6. Section 8A.361, Code 2005, is amended to read as  
3 2 follows:

3 3 8A.361 VEHICLE ASSIGNMENT == AUTHORITY IN DEPARTMENT.  
3 4 The department shall ~~provide for the assignment of~~ assign  
3 5 all state-owned motor vehicles to all state officers and  
3 6 employees, and to all state offices, departments, bureaus, and  
3 7 commissions, except the state department of transportation,  
3 8 institutions under the control of the state board of regents,  
3 9 the department for the blind, and any other agencies exempted  
3 10 by law.

3 11 Sec. 7. Section 8A.362, subsections 1, 2, and 3, Code  
3 12 2005, are amended to read as follows:

3 13 1. The director may ~~provide for the assignment~~ assign to a  
3 14 state officer or employee or to a state agency, ~~of~~ one or more  
3 15 motor vehicles which may be required by the state officer or  
3 16 employee or state agency, after the state officer or employee  
3 17 or state agency has shown the necessity for such  
3 18 transportation. The director may assign a motor vehicle  
3 19 either for part-time or full-time use. The director may  
3 20 revoke the assignment at any time.

3 21 2. The director may cause all state-owned motor vehicles  
3 22 to be inspected periodically. Whenever the inspection reveals  
3 23 that repairs have been improperly made on the motor vehicle or  
3 24 that the operator is not giving the motor vehicle the proper  
3 25 care, the director shall report this fact to the elected  
3 26 official or to the head of the state agency to which the motor  
3 27 vehicle has been assigned, together with recommendation for  
3 28 improvement.

3 29 3. The director shall ~~provide for~~ maintain a record system  
3 30 ~~for the keeping of records of that shall include~~ the total  
3 31 number of miles state-owned motor vehicles are driven and the  
3 32 per-mile cost of operation of each motor vehicle. Every state  
3 33 officer or employee shall keep a record book to be furnished  
3 34 by the director in which the officer or employee shall enter  
3 35 all purchases of gasoline, lubricating oil, grease, and other  
4 1 incidental expense in the operation of the motor vehicle  
4 2 assigned to the officer or employee, giving the quantity and  
4 3 price of each purchase, including the cost and nature of all  
4 4 repairs on the motor vehicle. Each operator of a state-owned  
4 5 motor vehicle shall promptly prepare a report at the end of  
4 6 each month on forms furnished by the director and forwarded to  
4 7 the director, ~~giving the information the director may request~~  
4 8 ~~in the report.~~ Each month the director shall compile the

4 9 costs and mileage of state-owned motor vehicles from the  
4 10 reports and keep a cost history for each motor vehicle and the  
4 11 costs shall be reduced to a cost-per-mile basis for each  
4 12 motor vehicle. The director shall call to the attention of an  
4 13 elected official or the head of any state agency to which a  
4 14 motor vehicle has been assigned any evidence of the  
4 15 mishandling or misuse of a state-owned motor vehicle which is  
4 16 called to the director's attention.

4 17 A motor vehicle operated under this subsection shall not  
4 18 operate on gasoline other than gasoline blended with at least  
4 19 ten percent ethanol, unless under emergency circumstances. A  
4 20 state-issued credit card used to purchase gasoline ~~shall is~~  
4 21 ~~be~~ valid to purchase gasoline other than gasoline blended  
4 22 with at least ten percent ethanol, if commercially available.  
4 23 The motor vehicle shall also be affixed with a brightly  
4 24 visible sticker which notifies the traveling public that the  
4 25 motor vehicle is being operated on gasoline blended with

4 26 ethanol. However, the sticker is not required to be affixed  
4 27 to an unmarked vehicle used for purposes of providing law  
4 28 enforcement or security.

4 29 Sec. 8. Section 8A.362, subsection 4, paragraph a, Code  
4 30 2005, is amended to read as follows:

4 31 a. The director shall ~~provide for the purchase of all~~  
4 32 motor vehicles for all branches of the state government,  
4 33 except the state department of transportation, institutions  
4 34 under the control of the state board of regents, the  
4 35 department for the blind, and any other state agency exempted  
5 1 by law. The director shall purchase new vehicles in  
5 2 accordance with competitive bidding procedures for items or  
5 3 services as provided in this subchapter. The director may  
5 4 purchase used or preowned vehicles at governmental or dealer  
5 5 auctions if the purchase is determined to be in the best  
5 6 interests of the state.

5 7 Sec. 9. Section 8A.362, subsection 4, paragraphs d and e,  
5 8 Code 2005, are amended by striking the paragraphs.

5 9 Sec. 10. Section 8A.362, subsections 6 and 7, Code 2005,  
5 10 are amended to read as follows:

5 11 6. All used motor vehicles turned in to the director shall  
5 12 be disposed of by public auction, ~~and the sales.~~ The public  
5 13 auction shall be advertised in a newspaper of general  
5 14 circulation one week in advance of sale, and the public  
5 15 auction. The receipts from the ~~sale public auction~~ shall be  
5 16 deposited in the depreciation fund to the credit of the state  
5 17 agency turning in the vehicle; except that, in the case of a  
5 18 used motor vehicle of special design, the director may,  
5 19 instead of selling it at public auction, authorize the motor  
5 20 vehicle to be traded for another vehicle of similar design.  
5 21 If a vehicle sustains damage and the cost to repair exceeds  
5 22 the wholesale value of the vehicle, the director may dispose  
5 23 of the motor vehicle by obtaining two or more written salvage  
5 24 bids and the vehicle shall be sold to the highest responsible  
5 25 bidder.

5 26 7. The director may authorize the establishment of motor  
5 27 pools consisting of a number of state-owned motor vehicles  
5 28 under the director's supervision. The director may store the  
5 29 motor vehicles in a public or private garage. ~~If the director~~  
5 30 ~~establishes a motor pool, any state officer or employee~~  
5 31 ~~desiring the use of a state-owned motor vehicle on state~~  
5 32 ~~business shall notify the director of the need for a vehicle~~  
5 33 ~~within a reasonable time prior to actual use of the motor~~  
5 34 ~~vehicle. The director may assign a motor vehicle from the~~  
5 35 ~~motor pool to the state officer or employee. If two or more~~  
6 1 ~~state officers or employees desire the use of a state-owned~~  
6 2 ~~motor vehicle for a trip to the same destination for the same~~  
6 3 ~~length of time, the director may assign one vehicle to make~~  
6 4 ~~the trip.~~

6 5 Sec. 11. Section 618.11, Code 2005, is amended to read as  
6 6 follows:

6 7 618.11 FEES FOR PUBLICATION.

6 8 The compensation, when not otherwise fixed, for the  
6 9 publication in a newspaper of any notice, order, citation, or  
6 10 other publication required or allowed by law shall be at a  
6 11 rate of thirty-four cents for one insertion and twenty-three  
6 12 cents for each subsequent insertion for each line of eight  
6 13 point type two inches in length, or its equivalent. Beginning  
6 14 June 1, ~~2001~~ 2005, and each June 1 thereafter, ~~the director of~~  
6 15 ~~the department of administrative services shall calculate a~~  
6 16 ~~new rate shall be calculated for the following fiscal year as~~  
6 17 ~~prescribed in this section, and shall publish this rate as a~~  
6 18 ~~notice in the Iowa administrative bulletin prior to the first~~  
6 19 ~~day of the following calendar month. The new rate shall be~~  
6 20 ~~effective on the first day of the calendar month following its~~  
6 21 ~~publication each fiscal year. The rate shall be calculated by~~  
6 22 ~~applying the percentage change in the consumer price index for~~  
6 23 ~~all urban consumers for the last available twelve-month period~~  
6 24 ~~published in the federal register by the federal department of~~  
6 25 ~~labor, bureau of labor statistics, to the existing rate as an~~  
6 26 ~~increase or decrease in the rate rounded to the nearest one-~~  
6 27 ~~tenth of a cent. The calculation and publication of the rate~~  
6 28 ~~by the director of the department of administrative services~~  
6 29 ~~shall be exempt from the provisions of chapters 17A and 25B.~~

6 30 Sec. 101. 2004 Iowa Acts, chapter 1175, section 288,  
6 31 subsection 1, paragraph d, subparagraph (1), is amended to  
6 32 read as follows:

6 33 (1) Of the amount appropriated in this lettered paragraph,  
6 34 up to \$375,000 may be used for costs associated with project  
6 35 management services in the division of design and construction  
7 1 within the general services enterprise of the department,

7 2 notwithstanding section 8.57, subsection 5, paragraph "c". In  
7 3 addition to the amount provided for costs associated with  
7 4 project management services in this subparagraph, the division  
7 5 may be reimbursed for such costs associated with applicable  
7 6 capital projects for an additional amount not to exceed  
7 7 \$370,824. Any reimbursements associated with this additional  
7 8 amount shall be provided for pursuant to agreements entered  
7 9 into with governmental entities for which the division  
7 10 provides project management services relating to capital  
7 11 projects. Any reimbursement made pursuant to this  
7 12 subparagraph shall be paid to the division from funds  
7 13 available to the governmental entity receiving the project  
7 14 management services and consistent with the applicable  
7 15 agreement. Terms of the agreement shall be consistent with  
7 16 the actions of the general services enterprise customer  
7 17 council.

7 18 Sec. 12. EFFECTIVE DATE == RETROACTIVE APPLICABILITY.  
7 19 Section 101 of this Act, amending 2004 Iowa Acts, chapter  
7 20 1175, being deemed of immediate importance, takes effect upon  
7 21 enactment and is retroactively applicable to July 1, 2004, and  
7 22 is applicable on and after that date.

7 23 EXPLANATION

7 24 This bill relates to the department of administrative  
7 25 services.

7 26 Code section 8A.104, concerning the duties of the director  
7 27 of the department of administrative services, is amended to  
7 28 provide that the director may designate another person in the  
7 29 department to act as the chief information officer of the  
7 30 state.

7 31 Code section 8A.202, concerning information technology  
7 32 services, is amended by moving the authority to charge fees  
7 33 and costs to entities receiving information technology  
7 34 services to a different paragraph thereby making the  
7 35 provisions of Code chapter 23A, relating to noncompetition by  
8 1 government, not applicable to these services.

8 2 Code section 8A.311 is amended by adding a new subsection  
8 3 providing that the director of the department of  
8 4 administrative services may enter into a cooperative  
8 5 procurement agreement with another governmental entity for the  
8 6 procurement of goods or services, whether the goods or  
8 7 services are for the use of the department or other  
8 8 governmental entities.

8 9 Code section 8A.341 is amended to strike the requirement  
8 10 that the department of administrative services make available  
8 11 print copies of the report containing salary and expense  
8 12 information related to state employees. The bill retains the  
8 13 requirement that the report be made available in an electronic  
8 14 medium.

8 15 The fleet management and vehicle assignment provisions of  
8 16 Code chapter 8A are amended by the bill. The changes make  
8 17 specific the authority of the department of administrative  
8 18 services to assign all state vehicles except for those  
8 19 departments otherwise granted this authority. The bill  
8 20 eliminates the provision in Code section 8A.362, subsection 4,  
8 21 requiring the director of the department to assign vehicles in  
8 22 a manner that maximizes the average passenger miles per gallon  
8 23 of fuel consumed.

8 24 Code section 618.11 is amended to strike the requirement  
8 25 that the department of administrative services set the  
8 26 publication rate for any notice, order, citation, or other  
8 27 publication required or allowed by law. The basis for  
8 28 calculating the rate is unchanged by the bill but no  
8 29 governmental entity is responsible for calculating or  
8 30 publishing the rate.

8 31 2004 Iowa Acts, chapter 1175, section 288, concerning  
8 32 appropriations to the department of administrative services  
8 33 for the renovation and repair of state buildings from the  
8 34 rebuild Iowa infrastructure fund, is amended. The bill  
8 35 provides that up to an additional \$370,824 of the amount  
9 1 otherwise appropriated to the department can be used for costs  
9 2 associated with project management services for capital  
9 3 projects. This provision of the bill takes effect upon  
9 4 enactment and is retroactively applicable to July 1, 2004.

9 5 LSB 1288DP 81

9 6 ec:nh/sh/8